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**Notice of Allowability**

Application No.

10/032,915

Examiner

Cheryl M. Fernandes

Applicant(s)

PLASEK ET AL.

Art Unit

2163

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 2 June 2005.
2. ☒ The allowed claim(s) is/are 16-24.
3. ☒ The drawings filed on 13 March 2002 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All b) ☐ Some\* c) ☐ None of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
  - \* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
  - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
    - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
  - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

- |   |  |
|---|--|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892)  | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)            |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                | 6. <input type="checkbox"/> Interview Summary (PTO-413),<br>Paper No./Mail Date _____. |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),<br>Paper No./Mail Date _____ | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment                    |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit<br>of Biological Material          | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance   |
|   | 9. <input type="checkbox"/> Other _____.   |

**DETAILED ACTION**

**EXAMINER'S AMENDMENT**

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Mark Starr on June 15, 2005.

The application has been amended as follows:

The claims have been amended as follows:

Referring to claim 19, line 1, -- implemented on a computer-readable medium-- has been inserted after "program".

Referring to claim 19, line 29, --one-- has been inserted, replacing "on".

Referring to claim 20, line 1, -- implemented on a computer-readable medium-- has been inserted after "program".

Referring to claim 20, line 29, --one-- has been inserted, replacing "on".

***Specification***

2. The objection is withdrawn due to the amendment.

***Claim Objections***

3. The objection is withdrawn due to the Examiner's amendment.

***Claim Rejections - 35 USC § 112***

4. The rejections are withdrawn due to the amendment.

***Allowable Subject Matter***

5. The following is an examiner's statement of reasons for allowance:

Referring to claim 19, Antoshenkov (US Patent Number 5,664,172) teaches a 'limit\_count' that is incremented every time a key after the current key is accessed and is found to satisfy the user query. Antoshenkov also teaches that each time that a key is skipped in the search, the limit\_count is set to zero. The value of the limit\_count is used to determine which search method to use (col. 23, line 31- col. 24, line 5). While the variance of the limit\_count can be said to be the positive and negative swing value of the search program of claim 19, Antoshenkov does not teach "recording a positive swing value each time a selected leaf page resulting from the search is not a same leaf page as a leaf page that would be selected by a sequential leaf search, and recording a negative swing value each time a selected leaf page resulting from the search is a same leaf page as a leaf page that would be selected by a sequential leaf search". Therefore neither Antoshenkov alone, nor in combination with Kodavalla, teach or suggest all of the claim limitations as recited in claim 19.

Referring to claim 20, Antoshenkov teaches the disabling and enabling of the trapeze fetching method by a 'switch mechanism' (col. 17, lines 5-11), however, Antoshenkov does not specifically teach sending a disable signal if the B tree did not skip any leaf pages when last performed. Therefore neither Antoshenkov alone, nor in combination with Chen, teach or suggest all of the claim limitations as recited in claim 20.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

### ***Conclusion***

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cheryl M. Fernandes whose telephone number is (571) 272-4018. The examiner can normally be reached on 9:00 am - 5:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Safet Metjahic can be reached on (571) 272-4023. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

June 16, 2005  
CF



**UYEN LE**  
**PRIMARY EXAMINER**